HIGH COURT OF UTTARANCHALAT NAINITAL

Writ Petition No. 22 (S/S) 2004

Bhagirathi Devi @ Bhaguli Devi,
W/o Late Bahadur Singh ,
R/o Village Bashili,
Post Jkaheri, Tehsil-Gangolihat,
District Pithoragarh. .....Petitioner

Versus

State of Uttar Pradesh and two others. .....Respondents.

Sri D.S. Patni, learned counsel for the petitioner.
Smt. Beena Pande, learned Standing Counsel for the State of U.P.,
Sri N.C. Gupta, learned Standing Counsel for State of Uttaranchal.

Hon'ble M.M. Ghildiyal, J.

Heard Sri D.S. Patni, learned counsel for the petitioner Smt. Beena Pande, learned Standing Counsel for State of U. P. and learned Standing Counsel for state of Uttaranchal.

Counsel for the parties are agreed that the writ petition may be decided finally at this stage.

The petitioner is the widow of deceased Bhahadur Singh who was Lab bearer in the Chemistry Department of Govt. P.G. College, Rampur, U.P. On 09.07.1981 the principal of the college intimated the petitioner the Bahadur Singh went on leave and has not returned to the college after expiry of leave. Consequently, the petitioner lodged complaint before the Superintendent of Police, Rampur as well as before the District Magistrate, Pithoragarh. The whereabouts of the deceased Bahadur Singh Could not be traced out, therefore, the petitioner has filed a Suit No. 17 of 1998 before the Civil Judge (Jr. Div.) Pithoragarh for proclaiming the deceased Bahadur Singh as dead. On 28.07.2000, the learned Civil Judge allowed the suit of the petitioner.

Thereafter the petitioner prayed for family pension, which was granted to her but after some time, the pension was stopped on the ground that she got remarried. This fact of remarrying by the petitioner came to the knowledge of the

respondents from the statement made in the application moved by the petitioner itself.

The petitioner filed writ petition and this Court on 24th March, 2004 has directed The Tehasildar, Gangolihat to conduct a detailed enquiry in to the matter as to whether the petitioner got remarried and she has children or not. The enquiry report reveals that the petitioner has not remarried, therefore, the respondents have again started payment of the family pension to the petitioner and have also calculated the arrears of family pension to be paid to eh petitioner vide order datet 24.02.2004 which is annexure-1 to the counter affidavit. However the amount of arrears has not paid w.e.f. 09.078.1987.

Keeping in view of the aforesaid facts, the respondent nos. 1 & 3 are directed to pay the arrears of family pension accrued in favour of the petitioner in accordance with their letter dated 24.02.2004.

With these directions, the writ petition is disposed of finally.

(**M.M. Ghildiyal, J,**)

November 19, 2004:
NCM: